

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 23, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1123B, People's City Mission

PROPOSAL: To expand the existing City Mission at 110 'Q' Street.

LOCATION: Generally located between N. 1st - N. 2nd and "Q" - "S" Streets.

WAIVER REQUEST:

Front Yard Setback from 15' to 4' for the proposed shelter within an existing building north of R Street. All new construction shall meet required setbacks.

LAND AREA: 4.63 acres, more or less.

CONCLUSION: With conditions the request is in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-11; the north ½ of the vacated alley adjacent to the south line of Lots 4-6; the south ½ of the vacated alley adjacent to the north line of Lots 7-11; the vacated east 14' of N. 1st Street; the north 14' of "O" Street; all located in Block 263, Original Plat of Lincoln; and Lots 1-12, Block 264, the east-west vacated alley adjacent to S Street, adjacent to Block 264, and Lots 11 and 12, Block 275, Original Plat of Lincoln; all located in the SW 1/4 of Section 23-10-6, Lancaster County, Nebraska

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Temporary shelter for the homeless, undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Salt Creek, undeveloped	I-1, Industrial
South:	Industrial uses	I-1
East:	Lumberyard storage yard and undeveloped	I-1
West:	Midland Equipment Company open storage	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as industrial. (F-25)

This area is in a 100-year flood zone. The Mayor's Floodplain Task Force has developed

policy standards for floodplains that consider the natural functions played by these areas.

“There is an opportunity to reduce the risk of flood damages to life and property and to preserve the important functions of floodplains by designing areas for future urban development outside of floodplain and floodway areas. This would preserve the important natural and beneficial functions of floodplains, including flood storage and conveyance properties”. (F-78)

“Subject to the findings of the Mayor’s Floodplain Task Force and the assumptions used in crafting this Plan, future urban development will be outside of the floodplain and floodway. This helps new development avoid potential flood risks and preserves the important functions of the floodplain. Keeping development outside of the floodplain preserves flood storage and other natural and beneficial functions of floodplains. It also avoids the long-term, cumulative impact of development in the floodplain”. (F-79)

“Opportunities should be sought for the reclamation of floodplain functions through the acquisition and relocation of structures and the re-establishment of natural or open space areas”. (F-79)

“Developing a balanced transportation system that meets the mobility needs of the community and supports Lincoln and Lancaster County’s land use projections and plan”. (F-87)

HISTORY:

The Planning Commission approved Waiver #02005 to waive street paving, sidewalks, street trees and storm sewer on **June 25, 2002**.

The Planning Commission approved Street and Alley Vacation #01021 for east-west alley from North 1st to North 2nd Street in Block 264, Original Plat of Lincoln on **January 9, 2002**.

The City Council approved Special Permit #1123A to expand the People’s City Mission and to reduce the front yard setback from 15' to 6' on **January 18, 2000**.

City Council denied Special Permit #1554 for a salvage yard at N. 1st and R Streets on **April 12, 1995**.

City Council denied Special Permit #1369 for a self storage building at 415 N. 2nd Street on **June 18, 1990**.

The City Council approved Special Permit #1123 for the People’s City Mission on **January 28, 1985**.

Ordinance #13562 vacating “S” Street from the east line of North 1st Street to the west line of North 2nd Street was approved by the City Council **March 28, 1983**.

The area was zoned L, Heavy Industrial until it was updated to I-1, Industrial during the **1979** zoning update.

UTILITIES: Sanitary sewer will be available in N. 2nd Street as soon as the main is extended from the east. The Public Works & Utilities Department currently has executive orders to build this main. Water is available in N. 2nd Street.

TRAFFIC ANALYSIS: North 1st, North 2nd, “R” and “S” Streets are classified as local streets in the Comprehensive Plan. There are no paved streets and sidewalks are limited to the perimeter of the existing People’s City Mission structure as shown on the aerial photograph. Sidewalks and street paving are necessary for the mobility of the people using the shelter.

ENVIRONMENTAL CONCERNS: The area is located within the floodplain. There is real concern about residential uses within this area. The applicant should address how they intend to deal with emergency situations.

ANALYSIS:

1. This is an application to expand the boundary of the existing special permit to the north for the People’s City Mission. There is a request for to reduce the front yard setback for the existing building north of R Street. The existing building north of R Street does not meet the front yard setback along R Street because it was apparently not built according to the building permit. The building permit indicated the building would be outside of all setbacks. The building was built approximately ten years ago.
2. Section 27.63.620 allows the special permitted use for a temporary shelter for the homeless in the B-4, Local Business or I-1, Industrial districts. The provision for the special permit indicates four criteria:
 - a. Parking shall be in conformance;
 - b. The distance between the shelter and any existing group home be at least 1,000’;
 - c. The hours of operation may be restricted and overnight lodging may be prohibited;
 - d. Additional conditions may be imposed for the protection of abutting land uses and the height and area regulations of the district may be increased or decreased, consistent with the protection of the public health, safety and general welfare.
3. The Public Works & Utilities Department indicated that establishing a dwelling in a floodplain is not in conformance with the Lincoln Municipal Code. Public Works & Utilities Department stated that they need drainage plans for all new parking lots and parking lot design standards require a minimum of 15’ of driveway penetration from the property line into the parking lot site.
4. The Watershed Management Section of Public Works & Utilities Department concurred with the Public Works & Utilities Department assessment of dwellings in the floodplain. Further they stated that in the event that the current structure is not presently

built above the 100 year floodplain and significant improvements are to be done to the structure that the owner may be required to raise the structure above the 100 year floodplain. They indicated that the applicant should contact the Building and Safety Department.

5. The Comprehensive Plan discourages residential development in the floodplain. The City Mission is in a floodplain, however, the temporary shelter for the homeless is identified as a special use in the I-1, Industrial district. The City Council reviewed this issue in 1985 when the original permit was issued and determined that there was a difference between permanent and temporary residential uses by approving this use in a floodplain. The Zoning Ordinance defines Temporary Shelter for the Homeless as a structure used as a day facility or temporary dwelling for transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational or philanthropic institution (27-12.2). A temporary shelter such as this is not considered a residential use. A task force reviewed locations for the City Mission and this site was recommended by the task force.
6. The Lincoln Airport Authority indicated that this area is within an outer approach zone and the requirements of Chapter 27.59, indicating height certification requirements, must be met.
7. The Parks and Recreation Department requested a landscape and recreation plan.
8. The Lincoln-Lancaster County Health Department indicated that they are concerned about having susceptible populations within industrial zoning. Their advisory comments are attached.
9. The City Council determined at the time they approved the original special permit for the People's City Mission, that this was an appropriate use for this location. There were no stipulations discussed originally that limited future expansion. All new structures must meet floodplain regulations through the building permit process.
10. The Mission is in the process of completing a master plan for their area. At this time, they are not sure of how they will expand. This amendment expands the boundaries but allows new facilities to be shown on the site plan through administrative amendment. The master plan should consider the vacation of the abutting streets that are unnecessary and do not provide frontage or access to other lots in different ownership.
11. Police Department, Fire Department, Emergency Communications, did not object to the application.

12. The site plan incorrectly shows the required setback for the I-1, Industrial district. The required front yard setback is 15', the site plan shows 10'. This must be revised on the plan, with the exception of the requested waiver.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the legal description to include all property in one description.
- 1.2 Add a note to the site plan indicating that this area is within the outer approach zone of the airport and all requirements of Chapter 27.59 must be met.
- 1.3 Provide a landscape plan to the satisfaction of the Parks and Recreation Department.
- 1.4 Provide an outdoor recreation plan to the satisfaction of the Parks and Recreation Department.
- 1.5 Submit drainage plans to the satisfaction of the Public Works & Utilities Department.
- 1.6 Revise the site plan to meet parking lot design standards to the satisfaction of the Public Works & Utilities Department.
- 1.7 Address the Public Works & Utilities Department and Watershed Management Department concerns regarding how to deal with emergency flooding situations and the residents of the shelter.
- 1.8 Provide the utility easements as requested by the Lincoln Electric System.
- 1.9 Revise the site plan to indicate a "waivers" table showing all requested waivers and locations of waivers.
- 1.10 Revise the site plan to show the correct location of the proposed shelter indicating the existing substandard setback of 4' and to show all other required setbacks.
- 1.11 Show sidewalks extending to the new facility north of R Street.

2. This approval permits the expansion of the boundary of the People's City Mission with a waiver to the front yard setback as shown on the site plan.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 6 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the shelter all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

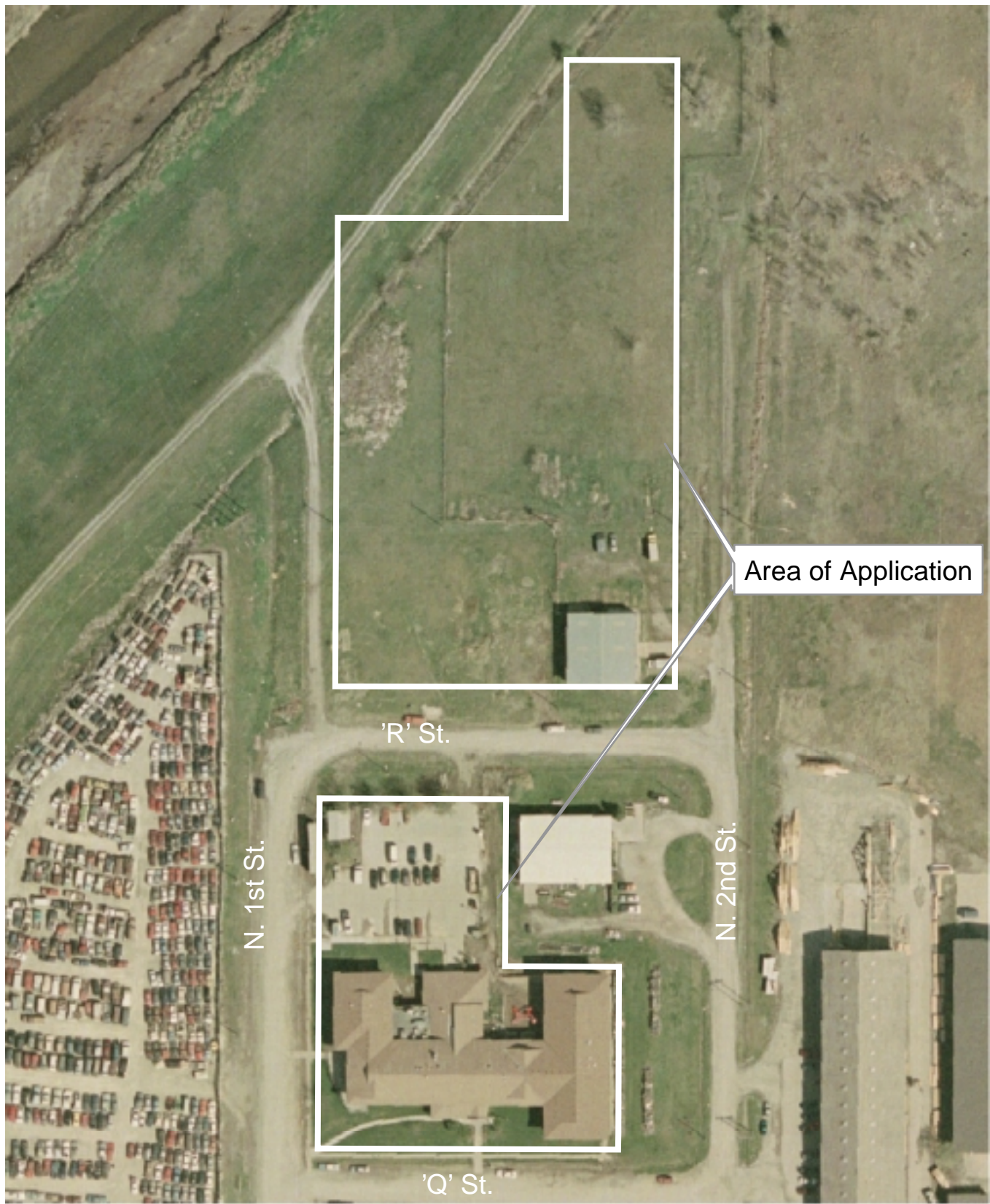
Becky Horner
Planner

DATE: July 10, 2003

**APPLICANT
& OWNER:** Ron Buchinski
People's City Mission
Lincoln, NE 68506
110 "Q" Street
(402)475-1303

CONTACT: Michael Bott
Michael Bott & Associates
1540 S. 70th Street
Suite 102
(402)483-4024

F:\FILES\Planning\PC\PERMITS\SP\1100\SP1123B.citymission.rdh.wpd



Special Permit #1123B
N. 1st & 'R' St.



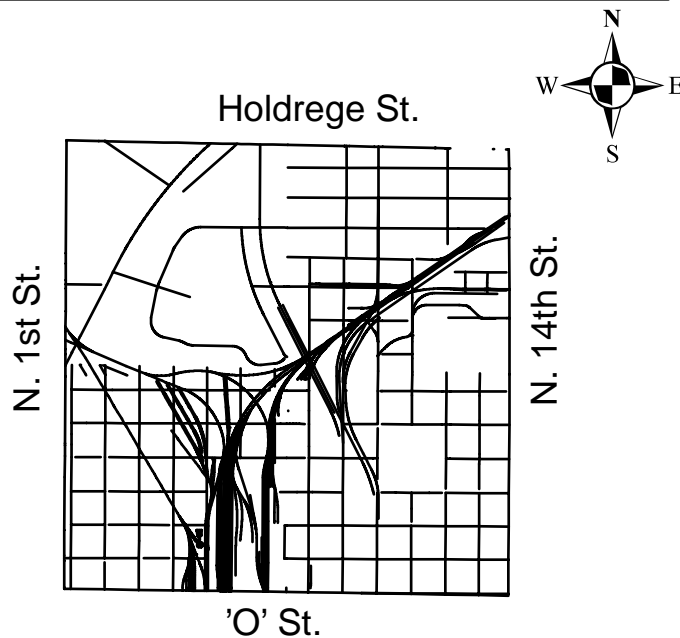
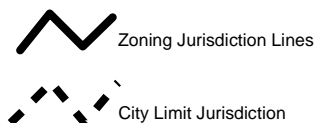


Special Permit #1123B N. 1st & 'R' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

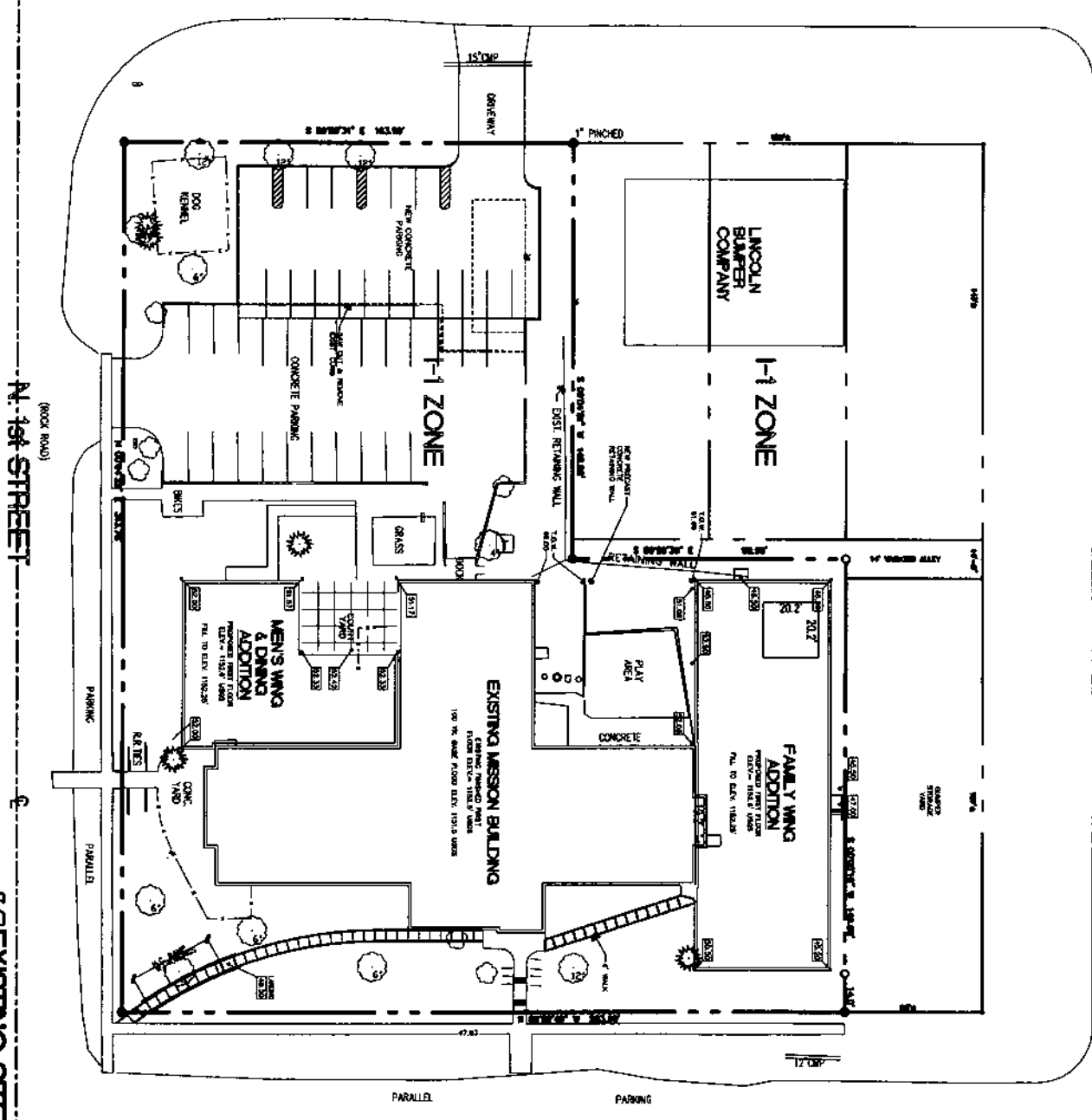
One Square Mile
Sec. 23 T10N R6E



(ROCK ROAD)

~~'R' STREET -~~

~~N. 2nd STREET~~



PARALLEL

PARKING

(ROCK ROAD)

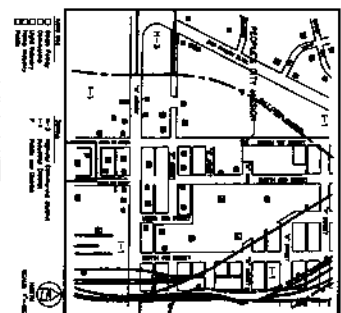
~~'Q' STREET - C~~

I-1 ZONE

(Rock Road)
A-1st STREET

EXISTING SITE PLAN

VICINITY MAP



LEGAL DESCRIPTION OF EXISTING PROPERTY

the following year. The authors of the study, Richard M. Lofgren, PhD, and David A. Asch, PhD, of the University of Michigan, reported that the mean age of the 10,740 patients was 71 years old, 54 percent were female, and 46 percent were white. The majority of the patients were discharged from the hospital within 30 days of admission, and 10 percent of the patients died within 30 days of admission. The authors concluded that the study's findings suggest that the majority of patients who are admitted to the hospital for a heart attack are discharged within 30 days of admission, and that the majority of patients who are admitted to the hospital for a heart attack die within 30 days of admission.

For a full listing of products in the **RENTAL PERMIT #1113** category, visit www.ams.org.

AMENDMENT STATISTICS
 12/28/2014 12:00 PM
 AMENDMENT EXISTING

NET FLOOR	2,776 SF
MECH.	2,776 SF
TOTAL BLDG AREA THIS AMENDMENT	5,552 SF

**FOUR THE BUDGS TO BE ADDED
BY ADMINISTRATIVE AMENDMENT**
MADISON PLAZA AREA 140,000 SF.
BAYVIEW

AMENDMENT PARKING
 TOTAL DAILY AVERAGE PARKING 42
 EXISTING BUILDING 2775 S.F.
 TOTAL 42

WATER MARK 36

BENCHMARK INFORMATION

BENCH MARK: ELEVATION 1148.54 FTES
 NORTHEAST RIM BOLT OF PINE HYDRA

AT CORNER OF 1ST AND "N" STREET
BEACH MARK: ELEVATION 1153.87 FEET
TOP BUT OF PINE HYDRAUNT AT NORTH
EAST CORNER OF 1ST STREET AND "O"
STREET (CITY OF UTAH SURVEYOR)

FLOOD PLAN INFORMATION
 CONSULT 415225
 PANEL #0005
 SURFEX b

DATE OF FIRST RECORD: 10/2/1987
FIRM ZONE: A15
BASE FLOOD ELEVATION: 1151.5' + ONE
FIRMED FLOOR LEVEL OF EXISTING
MISSION BUILDING: 1151.5' VERT

I-1 ZONE



N. 2nd STREET

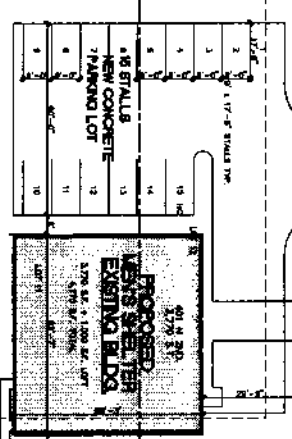
BLOCK 275

S STREET CLOSED

BLOCK 264

16' ALLEY CLOSED

PROPOSED FUTURE BUILDINGS
TO BE APPROVED BY ADMINISTRATIVE AMENDMENT



'R' STREET

N. 1st STREET

ADMINISTRATIVE AMENDMENT SITE PLAN



SP-2

Michael S. Bott & Associates Architects

PCM AMENDED SPECIAL PERMIT #1123

Suite 102 Lincolnshire Square 1640 South 70th Street Lincoln, Nebraska 68506 Ph. 402/483-4094 F.C.

2010.03.24



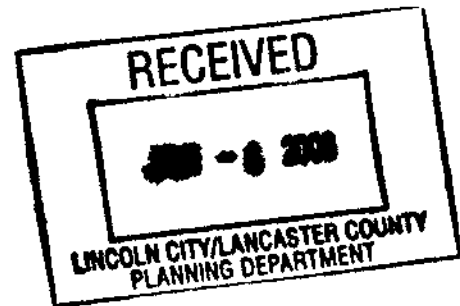
Michael S. Bott & Associates Architects

Suite 102 Lincolnshire Square 1540 South 70th Street Lincoln, Nebraska 68506 Ph. 402/483-4024 Fax 402/483-4488

P.C.

June 6, 2003

Ms. Becky Horner
Planner
City Planning Department
555 S 10th Street
Lincoln, NE 68508



RE: People's City Mission Amendment to expand the land area of the existing Special Permit #1123 and to permit a Specially Permitted Use for Temporary Shelter for the Homeless

Dear Becky,

Thank you for your help thus far on this amendment application. Please find enclosed a certificate of ownership, a check for One hundred dollars, and six copies of the Site Plan, sheets SP-1.1 and SP-1., for an amendment to expand the existing area of the People's City Mission's existing Special Permit area. The plans have been revised to show the requirements as discussed by phone.

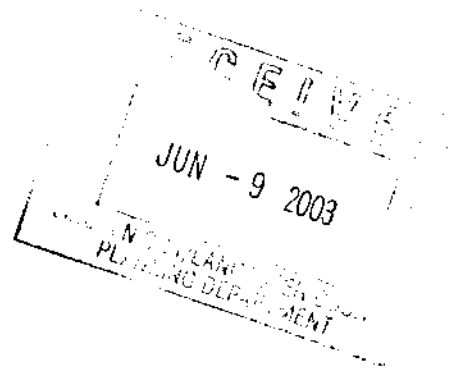
I spoke with Dennis Bartles and understand that he will raise the question of safety regarding the temporary shelter being located within a flood plain. We agreed that it was an issue and would be something to discuss.

If you have any questions about any of these items please let me know.

Sincere thanks,

Michael S. Bott
Architect

Encl.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: June 19, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: People's City Mission
SP #1123A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- The proposed building expansion is located within I-1 zoning. While the existing People's City Mission building is located within I-1 zoning, the LLCHD does not advocate locating susceptible populations (elderly, children, etc.) within industrial zoning. The proposed expansion could simply place a greater number of people in I-1 zoning. Permitted uses within I-1 can pose a public health risk from exposure to hazardous materials and/or chemicals.
- Water and sanitary sewer to be provided by the City of Lincoln.
- Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



UTILITIES DEPARTMENT

PUBLIC WORKS AND



MEMORANDUM

Date

To

From

Subject

July 1, 2003

Becky Horner
Ben Higgins, Dennis Bartels

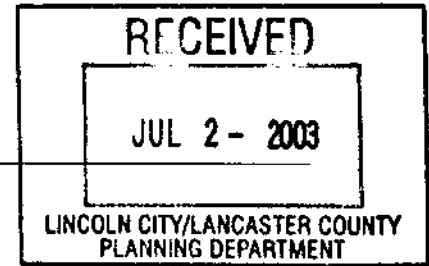
Devin Biesecker

People's City Mission

Below are Watershed Management's comments on the People's City Mission special permit #1123A. Comments are based on a plan set stamped June 9, 2003 by the Planning Department.

1. Watershed Management agrees with Dennis Bartels concerns regarding the safety of temporary shelter located in a floodplain.
2. The proposed structure is located in the floodplain of Salt Creek. If the structure is currently not built above the 100 year floodplain of Salt Creek and significant improvements are done to the structure the owner may be required to raise the structure above the 100 year floodplain. Contact the Building and Safety Department for proper permits and requirements.

M e m o r a n d u m



To: Becky Horner, Planning Dept.
BB
From: Bruce Briney, Public Works and Utilities
Subject: Special Permit #1123A, People's City Mission
Date: June 30, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #1123A for People's City Mission to expand the area of existing Special Permit #1123. Public Works has the following comments:

- Establishing a dwelling unit in the flood plain is not in compliance with the Lincoln Municipal Code.
- Drainage plans should be submitted for the new parking lots.
- Parking lot design standards require a minimum of 15' of driveway penetration from the property line into the parking lot site.

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: June 19, 2003

Re: People's City Mission SP 1123A

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no the following comments:

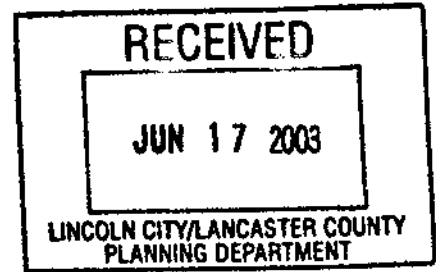
1. Please provide a landscape plan.
2. Please provide a play area plan (outdoor recreation) that meets national safety standards.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



www.lincolnairport.com

June 16, 2003



Ms. Becky Horner, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE
Special Permit #1123A
People's City Mission

Ms. Horner:

We have reviewed the Special Permit Application and have the following comments:

It appears that this area is within an outer approach zone, per Chapter 27.59 and so will need to meet the requirements of that chapter concerning the height of structures in the area of the airport.

If you have any questions or comments, please advise.

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in cursive script that reads 'Jon L. Large' followed by the initials 'by lb'.

Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb